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09/811,195	03/17/2001	Rajesh Kumar	49500	6673
26327	7590	06/14/2005	EXAMINER	
THE LAW OFFICE OF KIRK D. WILLIAMS 1234 S. OGDEN ST. DENVER, CO 80210			PHAN, TRI H	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,195

Applicant(s)

KUMAR ET AL.

Examiner

Tri H. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) 19, 20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21 and 23-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on February 16th, 2005. Claims 19-20 and 22 are now canceled and new claims 32-34 are added. Claims 1-18, 21 and 23-34 are now pending in the application.

Claim Objections

2. Claims 14 and 23 are objected to because of the following informalities:

Regarding claim 14, the status of the claim (in line 1) should be correct to -- (currently amended) --.

Regarding claim 23, the word "medium" after the term "computer-readable" should be correct to -- media --.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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4. Claims 1-2, 4-8, 10-12, 14-18, 27-28, 30, 32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by **Abrishami et al.** (U.S.2001/0033642; hereinafter refer as '**Abrishami**').

- In regard to claim 1, **Abrishami** discloses in Figs. 1-5 and in the respective portions of the specification about the system and method *performed an apparatus* ("DSP" in the multi-channel Voice/Fax/Data gateway processor in Figs. 2, 4) *interfacing the communications device* ("phone, fax, data modem" in Fig. 1) *with the packet network* ("digital/packet network" in Fig. 1; page 6, para [0067]), which *comprise receiving the telephonic signal from the communications device* (For example see Fig. 1; page 5; para [0058]), *signaling to establish the call including the first traffic characteristic over the packet network* (For example see page 5; para [0058]; pages 5-6; para [0065]; wherein, at call setup, call initiates and establishes with the ITU-T Recommendation T.30 messages on both ends as voice call, e.g. "*first traffic characteristic*", with the available bandwidth determined by the control process, over digital/packet network), *monitoring the telephonic signal to determining the call characterization* (For example see page 4, paras [0048]-[0050]; page 5; para [0058]; wherein the voice/fax/data detector and the probing mechanism operate under the control of the control process or bandwidth monitor for detecting the fax or adjusting the bandwidth on-demand, which is varied based on the service type as disclosed in page 5, paras [0059]-[0061]) *and requesting of the packet network a modification of the call to replace the first traffic characteristic with a second traffic characteristic* ("maximum or optimal bandwidth") *based on the determined call characterization* (For example see Figs. 2-4; page 4, paras [0048]-[0049]; page 5, paras [0059]-[0061]; wherein, upon the detection of fax signal by the 'voice/fax/data' detector in the DSP, the control process requests the bandwidth

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manager for the adjustment of the available bandwidth to different bandwidth usage by fax transmission or forcing a rate renegotiation for subsequent fax transmission pages with the ITU-T Recommendation T.30 messages with both ends through the digital/packet network in order to adjust the bandwidth on-demand as disclosed in page 4, paras [0050]-[0052]; pages 5-6, paras [0064]-[0065]).

- Regarding claims 2, 4-6 and 15-18, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Abrishami** further discloses about the method for optimizing or adjustment the bandwidth on-demand, e.g. rate, wherein, upon the detection of fax in the voice channel by the voice/fax/data detector, the bandwidth manager adjusts the available bandwidth usage by the voice band data transmission (*'first bandwidth requirement'*) to the bandwidth usage by the fax transmission (*'second bandwidth requirement'*) as disclosed in Figs. 1 and 3; page 4, para [0048]; adjust the bandwidth on-demand to either increase or decrease (*'greater/less than'*) the rate of transmission of the fax (*'first/second packet rates'*) as disclosed in page 4, para [0052]; page 5, paras [0059]-[0060].

- In regard to claims 7-8, 11-12 and 28, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Abrishami** further discloses about the method for detecting the voice/fax/data by the voice/fax/data detector (*'detecting modem/facsimile transmission'*).

- Regarding claim 10, **Abrishami** discloses in Figs. 1-5 and in the respective portions of the specification about the system and method *performed an apparatus* (“DSP” in the multi-channel Voice/Fax/Data gateway processor in Figs. 2, 4) *interfacing the communications device* (“phone, fax, data modem” in Fig. 1) *with the packet network* (“digital/packet network” in Fig. 1; page 6, para [0067]), *which comprise receiving the telephonic signal from the communications device* (For example see Fig. 1; page 5; para [0058]), *monitoring the telephonic signal* (For example see page 4, para [0050]; page 5; para [0058]), *signaling to establish the packet call of the first bandwidth* (“available bandwidth”) *over the packet network* (For example see page 5; para [0058]; pages 5-6; para [0065]; wherein, at call setup, call initiates and establishes with the ITU-T Recommendation T.30 messages on both ends as voice call over digital/packet network, with the available bandwidth determined by the control process), *detecting the type of traffic on the telephonic signal* (For example see page 4, para [0048]; page 5, para [0059]), *and signaling to the packet network, in response to the detected type of traffic, to request a modification of the packet call, the modification including an increase of bandwidth from the first bandwidth to a second bandwidth* (For example see Figs. 2-4; page 4, paras [0048]-[0049]; page 5, paras [0059]-[0061]; wherein, upon the detection of fax signal by the ‘voice/fax/data’ detector in the DSP, the control process requests the bandwidth manager for the adjustment of the available bandwidth to different bandwidth usage by fax transmission or forcing a rate renegotiation for subsequent fax transmission pages with the ITU-T Recommendation T.30 messages such as Retrain Positive message ‘RTP’, Confirm to Receive message ‘CFR’, Failure to Train message ‘FTT’, etc. with both ends through the digital/packet network, e.g. “*signaling to the packet network to request a*

modification", in order to adjust the bandwidth on-demand, either increase or decrease, as disclosed in page 4, paras [0050]-[0052]; pages 5-6, paras [0064]-[0065]).

- In regard to claim 14, **Abrishami** discloses in Figs. 1-5 and in the respective portions of the specification about the system and method *performed an apparatus* ("DSP" in the multi-channel Voice/Fax/Data gateway processor in Figs. 2, 4) *interfacing the communications device* ("phone, fax, data modem" in Fig. 1) *with the packet network* ("digital/packet network" in Fig. 1; page 6, para [0067]), *which comprise signaling to establish the call including the first traffic characteristic over the packet network* (For example see page 5; para [0058]; pages 5-6; para [0065]; wherein, at call setup, call initiates and establishes with the ITU-T Recommendation T.30 messages on both ends as voice call, e.g. "*first traffic characteristic*", over digital/packet network, with the available bandwidth determined by the control process), *receiving an indication of a call characterization determined within the apparatus* (For example see Fig. 3; page 4, paras [0048]-[0049]; wherein, it is inherent the detection of fax in the voice channel by the voice/fax/data detector is the "*indication of the call characterization*"), *requesting, based on the received indication of the call characterization, a modification of the call to replace the first traffic characteristic with a second traffic characteristic* (For example see Fig. 3; page 4, paras [0048]-[0049]; wherein the detection of fax in the voice channel is used to request for the adjustment bandwidth based on assumptions of the different bandwidth usage by the fax transmission, e.g. "*second traffic characteristic*", in comparing to the voice band data transmission, e.g. "*first traffic characteristic*").

- Regarding claim 27, **Abrishami** discloses in Figs. 1-5 and in the respective portions of the specification about the system and method for optimizing the facsimile data transmission over the digital or packet network ("*packet network*"; For example see Fig. 1; page 6, para [0067]); which comprises *the telephonic interface* ("DSP" in Figs. 2, 4) *to receive the telephone signal and to detect the traffic characterization* (For example see page 4, para [0046]; page 5, para [0058]; wherein the DSP receives multiple voice/fax/data initiating calls as voice call over PSTN); *and the signaling agent* ("control process/Bandwidth manager" in Figs. 2, 4) *to establish the call including the first bandwidth* ("available bandwidth") *across the packet network* (For example see page 4, paras [0046-0047]; page 5, para [0058]; wherein the control process determines the available bandwidth for establishing the call over digital/packet network); *wherein the signaling agent requests a modification of the call from the first bandwidth to a second bandwidth* ("maximum or optimal bandwidth") *in response to a particular type of traffic detected by the telephonic interface* (For example see Figs. 2-4; page 4, paras [0048]-[0049]; page 5, paras [0059]-[0061]; wherein, upon the detection of fax signal by the 'voice/fax/data' detector in the DSP, the control process requests the bandwidth manager for the adjustment of the available bandwidth to different bandwidth usage by fax transmission or forcing a rate renegotiation for subsequent fax transmission pages with the RTP message in order to adjust the bandwidth on-demand as disclosed in page 4, paras [0050]-[0052]).

- In regard to claim 30, **Abrishami** discloses in Figs. 1-5 and in the respective portions of the specification about the system and method *performed an apparatus* ("DSP" in the multi-channel Voice/Fax/Data gateway processor in Figs. 2, 4) *interfacing the communications device*

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(“phone, fax, data modem” in Fig. 1) *with the packet network* (“digital/packet network” in Fig. 1; page 6, para [0067]), *which comprise means for receiving the telephonic signal from the communications device* (For example see Fig. 1; page 5; para [0058]), *means for establishing a call of a first bandwidth* (“available bandwidth”) *over the packet network* (For example see Figs. 1 and 3; page 4, paras [0048]-[0049]; page 5; para [0058]; wherein, at call setup, call initiates and establishes on both ends as voice call with the available bandwidth determined by the control process, over digital/packet network), *means for detecting that the telephonic signal includes a modem signal or a facsimile signal* (For example see Figs. 1 and 3; page 4, paras [0048]-[0049]; page 5, paras [0058]-[0059]; wherein the fax is detected by the voice/fax/data detector) *and means for requesting the modification of the call from the first bandwidth to the second bandwidth in response to detecting that the telephonic signal includes the modem signal or the facsimile signal* (For example see Fig. 3; page 4, paras [0048]-[0049]; wherein the detection of fax in the voice channel is used to request for the adjustment bandwidth based on assumptions of the different bandwidth usage by the fax transmission, e.g. “second bandwidth”, in comparing to the voice band data transmission, e.g. “first bandwidth”; or forcing a rate renegotiation for subsequent fax transmission pages with the ITU-T Recommendation T.30 messages with both ends through the digital/packet network, in order to adjust the bandwidth on-demand as disclosed in page 4, paras [0050]-[0052]; pages 5-6, paras [0064]-[0065]).

- Regarding claims 32 and 34, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Abrishami** further discloses about

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using the fax transmission over ATM network by using ATM fax relay protocol (*'packet network non-compliant telephonic device'*) as disclosed in Fig. 1; page 6, para [0067].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 23-25 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abrishami et al.** (U.S.2001/0033642; hereinafter refer as '**Abrishami**').

- In regard to claim 3, in addition to features in base claims 1-2 (see rationales pertaining the rejection of base claims 1-2 discussed above, **Abrishami** discloses about the system and method *performed an apparatus* ("DSP" in the multi-channel Voice/Fax/Data gateway processor in Figs. 2, 4) *interfacing the communications device* ("phone, fax, data modem" in Fig. 1) *with the packet network* ("digital/packet network" in Fig. 1; page 6, para [0067]), which *comprise receiving the telephonic signal from the communications device* (For example see Fig. 1; page 5; para [0058]), *signaling to establish the call including the first traffic characteristic over the packet network* (For example see page 5; para [0058]; pages 5-6; para [0065]; wherein, at call setup, call initiates and establishes with the ITU-T Recommendation T.30 messages on both ends as voice call, e.g. "*first traffic characteristic*", with the available bandwidth determined by the

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control process, over digital/packet network), *monitoring the telephonic signal to determining the call characterization* (For example see page 4, paras [0048]-[0050]; page 5, para [0058]; wherein the voice/fax/data detector and the probing mechanism operate under the control of the control process or bandwidth monitor for detecting the fax or adjusting the bandwidth on-demand, which is varied based on the service type as disclosed in page 5, paras [0059]-[0061]) *and requesting of the packet network a modification of the call to replace the first traffic characteristic with a second traffic characteristic* (“maximum or optimal bandwidth”) *based on the determined call characterization* (For example see Figs. 2-4; page 4, paras [0048]-[0049]; page 5, paras [0059]-[0061]; wherein, upon the detection of fax signal by the ‘voice/fax/data’ detector in the DSP, the control process requests the bandwidth manager for the adjustment of the available bandwidth to different bandwidth usage by fax transmission, either increase or decrease the transmission rate, e.g. “*first/second packet rate*”; or forcing a rate renegotiation for subsequent fax transmission pages with the ITU-T Recommendation T.30 messages with both ends through the digital/packet network in order to adjust the bandwidth on-demand as disclosed in page 4, paras [0050]-[0052]; pages 5-6, paras [0064]-[0065]). Though, **Abrishami** does not explicitly disclose about the “*fixed and variable packet rates*” as in the claimed invention 3; however, **Abrishami** does disclose about the transmission with different rates and over different types of networks, which use ATM or Internet protocol (For example see page 6, para [0067]); wherein the “*fixed and variable packet rates*” is well known in the art for transmission in the ATM network.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the use of the ATM network for transmission the “*fixed*

and variable packet rates” in the **Abrishami**’s relay system, with the motivation being to provide the ability to transfer data through different type of networks with different rates.

- Regarding claims 23, **Abrishami** discloses in Figs. 1-5 and in the respective portions of the specification about the system and method for optimizing the facsimile data transmission over the digital or packet network (For example see Fig. 1; page 6, para [0067]); *which performs signaling to establish the call including the first traffic characteristic over the packet network* (For example see page 5; para [0058]; pages 5-6; para [0065]; wherein, at call setup, call initiates and establishes with the ITU-T Recommendation T.30 messages on both ends as voice call, e.g. *“first traffic characteristic”*, over digital/packet network, with the available bandwidth determined by the control process), *receiving the indication of the type of traffic included in the call as determined within the communications device* (For example see Fig. 3; page 4, paras [0048]-[0049]; wherein, it is inherent the detection of fax in the voice channel by the voice/fax/data detector is the *“indication of the type traffic”*), *requesting, based on the received indication of type of traffic, a modification of the call, the modification including an increase of bandwidth from the first bandwidth to the second bandwidth* (For example see Fig. 3; page 4, paras [0048]-[0049]; wherein the detection of fax in the voice channel is used to request for the adjustment bandwidth based on assumptions of the different bandwidth usage by the fax transmission, e.g. *“second bandwidth”*, in comparing to the voice band data transmission bandwidth, e.g. *“first bandwidth”*). Though, **Abrishami** does not explicitly disclose about the *“computer-readable media containing computer-executable instructions”* as in the claimed invention 23 to perform such methods as disclosed above; however, it is obvious that programs

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stored in the memory or hardware ("*computer-readable media containing computer-executable instructions*") is needed, for the control processor and the bandwidth management in the relay gateway to execute methods such as detecting the voice/fax/data signal, real-time monitoring and adjusting the bandwidth on-demand.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to provide the program in the **Abrishami**'s relay gateway, with the motivation being to computerize the functions into program for friendly and easily debug or change.

- In regard to claims 24-25, in addition to features in base claim 23 (see rationales pertaining the rejection of base claim 23 discussed above), **Abrishami** further discloses about the method for detecting the voice/fax/data transmission by the voice/fax/data detector ("*detecting modem/facsimile traffic*"; For example see page 4, para [0048]; page 5, para [0059]).

- Regarding claims 33, in addition to features in base claim 23 (see rationales pertaining the rejection of base claim 23 discussed above), **Abrishami** further discloses about using the fax transmission over ATM network by using ATM fax relay protocol ("*packet network non-compliant telephonic device*") as disclosed in Fig. 1; page 6, para [0067].

7. Claims 9, 13, 21, 26, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abrishami et al.** (U.S.2001/0033642) in view of **So** (U.S.6,735,176).

- In regard to claims 9, 13, 21, 26, 29 and 31, **Abrishami** further discloses all the subject matter of the claimed invention as discussed in part 5 of this Office action above, about the system and method for optimizing the facsimile data transmission over the digital or packet network; wherein, at the set up, call is initiating with the proposed call parameters in the handshake message for negotiation and session establishment, discriminated between the voice and the facsimile signal by the 'voice/FAX/Data' detector, the available bandwidth based on the request and service type is allocated and assigned by the bandwidth manager, and the detection of the fax in the voice channel or by the real-time monitoring information, such as network throughput, delay, bandwidth and packet jitter during transmission can be used to request the adjustment of the bandwidth on-demand or rate adjustment to either increase or decrease the rate of transmission. **Abrishami** also discloses about the transmission over different types of networks, such as ATM or Internet protocol (For example see page 6, para [0067]); but fails to explicitly disclose about using the "*Q.2963.x signaling*" for requesting the call's modification. However, such implementation is known in the art.

For example, **So** in Figs. 1-4 and in the respective portions of the specification about the system and method for adjusting the bandwidth of the network or parties on the active connection, by using the Q.2963 modify request message ("*Q.2963.x signaling*" for requesting the call's modification; For example see Fig. 3; col. 1, lines 19-56; col. 4, lines 40-53; col. 5, lines 65-67).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the invention as taught by **So**, by using the modify request

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message in **Abrishami**'s system, with the motivation being to provide the ability to request changing the bandwidth from the network or parties while the connection is active.

Response to Arguments

8. Applicant's arguments filed on February 16th, 2005 have been fully considered but they are not persuasive.

In regard to claim 27, Applicant argues that **Abrishami** fails to disclose the "*signaling agent to establish a call including a first bandwidth across a packet network*" and "*requests a modification of the call from the first bandwidth to a second bandwidth in response to a particular type of traffic detected by the telephonic interface*". Examiner respectfully disagrees. **Abrishami** does disclose about the control process 22 in Fig. 2 ("*signaling agent*"), at call setup, determines the available bandwidth ("*first bandwidth*") for establishing initiate call as voice call over the digital/packet network ("*establishing the call across the packet network*") as disclosed in page 4, paras [0046-0047]; page 5, para [0058]; and wherein the control process requests the bandwidth manager for the adjustment of the available bandwidth to different bandwidth usage by fax transmission, e.g. optimal bandwidth which is varied based on the service type ("*requests a modification of the call from the first bandwidth to a second bandwidth in response to a particular type of traffic*") upon the detection of fax signal by the 'voice/fax/data' detector in the DSP ("*detected by the telephonic interface*") as disclosed in Figs. 2-4; page 4, paras [0048]-[0049]; page 5, paras [0059]-[0061]. Therefore, Examiner concludes that **Abrishami** teaches the

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arguable feature. Applicant further argues that the bandwidth manager is located as part of the voice/fax/data relay gateway, e.g. part of the network, not part of the fax machine.

In response to Applicant's argument that the references fail to show a certain feature of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., the bandwidth manager is located as part of the voice/fax/data relay gateway, e.g. part of the network, not part of the fax machine) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Regarding claim 30, Applicant argues that **Abrishami** fails to disclose the "*apparatus interfacing a communications device with a packet network*". Examiner respectfully disagrees. **Abrishami** does disclose about the DSP in the multi-channel Voice/Fax/Data gateway processor in Figs. 1-2, 4 ("*apparatus*"); which uses for interfacing with the phone, fax, and data modem ("*communications device*") and transmitting voice/fax/data over the digital/packet network ("*packet network*") as disclosed in page 5, para [0058] and in Part 4 above of this Office action. Therefore, Examiner concludes that **Abrishami** teaches the arguable feature.

In regard to claim 23, Applicant argues that **Abrishami** fails to disclose the method of "*receiving an indicator of a type of traffic included in the call as determined within the communications device*". Examiner respectfully disagrees. **Abrishami** does disclose about the detection of the fax signal ("*indicator of a type of traffic included in the call*") sent by the fax machine in the voice channel is used for determining the different bandwidth usage for the fax

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transmission based on the service type as disclosed in page 4, paras [0048]-[0049]; page 5, para [0059]; or by the rate renegotiation where the fax transmission rate is determined by the receiving/sending fax machines through the process as disclosed in pages 5-6; paras [0064]-[0065] and in Part 6 above of this Office action, e.g. "*as determined within the communications device*". Therefore, Examiner concludes that **Abrishami** teaches the arguable feature.

Regarding claim 1, 10 and 14, Applicant argues that **Abrishami** fails to disclose the "*apparatus interfacing a communications device with a packet network*". Examiner respectfully disagrees. **Abrishami** does disclose about the DSP in the multi-channel Voice/Fax/Data gateway processor in Figs. 1-2, 4 ("*apparatus*"); which uses for interfacing with the phone, fax, and data modem ("*communications device*") and transmitting voice/fax/data over the digital/packet network ("*packet network*") as disclosed in page 5, para [0058] and in Part 4 above of this Office action. Therefore, Examiner concludes that **Abrishami** teaches the arguable feature.

Claims 2-9, 11-13, 1522, 24-26, 28-29, 31 are rejected as in Part 4 and 6-7 above of this Office action and by virtue of their dependence from claims 1, 10, 14, 23, 27 and 30.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Riemann et al. (U.S.5,892,764), **Nicol, Jordan James** (U.S.6,882,711), **Verreault et al.** (U.S.6,486,975) and **Malik, Naeem Iqbal** (U.S.6,104,505) are all cited to show devices and

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methods for improving dynamic bandwidth management in the communication architectures, which are considered pertinent to the claimed invention.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office, whose telephone
number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
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Tri H. Phan
June 11, 2005



6/11/05

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